

# Performance Track Fact Sheet

## Reduced Self-Inspections – Certain Types of RCRA Units

April 4, 2006



### What is Performance Track?

Launched in June of 2000, Performance Track is a partnership program recognizing top environmental performance among U.S. facilities of all types, sizes, and complexity, public and private. Performance Track is designed to augment the existing regulatory system by creating incentives for facilities to achieve additional environmental results beyond those required by law. To qualify, applicants must have implemented an independently-assessed environmental management system, have a history of sustained compliance with environmental laws and regulations, commit to achieving measurable environmental results that exceed regulatory requirements, and provide information to the local communities on environmental activities. In exchange, members receive public recognition, networking opportunities with other top performers, and some very specific benefits that reduce the routine transaction costs of regulation, enabling facilities to focus more on environmental results.

### What are Reduced Self-Inspections?

This rule, published on April 4, 2006 (71 FR 16862), provides Performance Track facilities that are large and/or small quantity generators, hazardous waste treatment, storage, and disposal facilities (TSDs), and certain manufacturing, transportation, utility, and mineral processing facilities the opportunity to reduce self-inspections of tank systems, containers, containment buildings, and areas subject to spills to a frequency of once per month, compared to daily or weekly for non-Performance Track facilities.

### What is the Effective Date?

As with all Resource Conservation and Recovery Act (RCRA) regulations, states must adopt and become authorized before facilities may use these incentives. The effective/promulgation date for this regulation is May 4, 2006. Effective dates for each state will be different, depending upon when the state adopts and becomes authorized for the rule. Interested facilities should contact their states for more information.

### How do Performance Track

#### Members Apply for Reduced Self-Inspections?

For the regulatory language, please refer to the websites at the end of this sheet. This fact sheet is designed to provide only a brief summary. The facility submits an application to its regulatory authority [the state] which

has adopted the regulation, identifying itself as a National Environmental Performance Track member, and requesting a reduction in self-inspection frequency. For those members that are also permitted TSDs, the application must be in the form of a Class 1 permit modification with prior approval.

### What Happens After the Application is Received?

After the application is received, the State Director has 60 days to approve or deny the application in writing. The Director also may extend this 60-day deadline, if more time is needed to review the application. If the application is approved, the notification will identify the management units approved for reduced frequency of inspections, as well as the interval between inspections. This notice must be placed in the facility's operating record.

The Performance Track facility should consider the application approved after 60 days if the State Director does not: (1) deny the application in writing, or (2) notify the facility in writing of an extension to the 60-day deadline. In these situations, the facility must adhere to the revised inspection schedule outlined in its application and keep a copy of the application in its operating record.

Any Performance Track facility that discontinues its membership or is terminated from the program must immediately notify the State Director, in writing, of its change in status. The facility must revert to the "non-Performance Track member" inspection frequency within seven calendar days. The facility must place a dated copy of this notification in its operating record. In cases where the Performance Track member is a permitted TSD, the Agency requires the permit modification to contain language that explains the procedure for change of status.

### For More Information, Contact:

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<http://www.epa.gov/performancetrack>

<http://www.epa.gov/epaoswer/hazwaste/data/burdenreduction/index.htm>